

Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
MCLETCHE SHELL LLC
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101
Telephone: (702)728-5300

Jennifer L. Braster, NBN 9982
MAUPIN NAYLOR BRASTER
1050 Indigo Drive, Suite 112
Las Vegas, NV 89145
Telephone (702) 420-7000
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS WALKER, an individual, and
CATHY CATALDO, an individual

Plaintiffs,

vs.

CITY OF NORTH LAS VEGAS, OFFICER
PAUL MAALOUF, individually and in his
official capacity as a North Las Vegas Police
Department Officer, OFFICER TRAVIS
SNYDER, individually and in his official
capacity as a North Las Vegas Police
Department Officer,

Defendants.

Case. No.: 2:14-cv-01475-JAD-NJK

STIPULATION TO DISCOVERY
DISCLOSURE DEADLINES SET
FORTH IN SCHEDULING ORDER
[ECF No. 106]

(Ninth Request)

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case sixty days (60) days, up to and including **February 3, 2017**. In addition, the parties request that the dispositive motions and pretrial order deadlines be extended for an additional sixty (60) days as outlined herein. In support of this Stipulation and Request, the parties state as follows:

1 1. On September 12, 2014, this action was commenced by filing of the First Amended
2 Complaint.

3 2. On November 12, 2014, Defendants filed their Answer to Complaint and Demand
4 for Jury Trial.

5 3. On December 30, 2014, the Stipulated Discovery Plan Discovery Plan and
6 Scheduling Order was filed.

7 4. On January 2, 2015, Plaintiffs produced their Initial Disclosures of Production of
8 Documents.

9 5. On February 6, 2015, Defendants produced their Initial Disclosures of Production
10 of Documents.

11 6. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
12 Admission to Officer Maalouf.

13 7. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
14 Admission to Officer Snyder.

15 8. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
16 Admission to North Las Vegas Police Department.

17 9. On February 13, 2015, Plaintiffs propounded their First Set of Requests for
18 Production of Documents to North Las Vegas Police Department.

19 10. On February 23, 2015, Defendants propounded their First Set of Interrogatories to
20 Cathy Cataldo.

21 11. On February 23, 2015, Defendants propounded their First Set of Interrogatories to
22 Thomas Walker.

23 12. On February 23, 2015, Defendants propounded their First Set of Requests for
24 Production of Documents to Cathy Cataldo.

25 13. On February 23, 2015, Defendants propounded their First Set of Requests for
26 Production of Documents to Thomas Walker.

27 14. On March 6, 2015, Plaintiffs produced their First Supplement to Initial Disclosures
28 and Production of Documents.

1 15. On May 18, 2015, Plaintiff Cathy Cataldo provided her Responses to Defendants'
2 First Set of Interrogatories.

3 16. On May 18, 2015, Plaintiff Thomas Walker provided his Responses to Defendants'
4 First Set of Interrogatories.

5 17. On May 18, 2015, Plaintiff Cathy Cataldo provided her Responses to Defendants'
6 First Set of Requests for Production of Documents.

7 18. On May 18, 2015, Plaintiff Thomas Walker provided his Responses to Defendants'
8 First Set of Requests for Production of Documents.

9 19. On May 18, 2015, Plaintiffs produced their Second Supplement to Initial
10 Disclosures and Production of Documents.

11 20. On May 18, 2015, Defendant Officer Maalouf provided his Responses to Plaintiffs'
12 First Set of Requests for Admission.

13 21. On May 18, 2015, Defendant Officer Snyder provided his Responses to Plaintiffs'
14 First Set of Requests for Admission.

15 22. On May 18, 2015, Defendant North Las Vegas Police Department provided their
16 Responses to Plaintiffs' First Set of Requests for Admission.

17 23. On May 18, 2015, Defendant North Las Vegas Police Department provided their
18 Responses to Plaintiffs' First Set of Requests for Production of Documents.

19 24. On June 19, 2015, Plaintiff Cathy Cataldo provided her First Supplement to
20 Responses to Defendants' First Set of Interrogatories.

21 25. On June 19, 2015, Plaintiff Thomas Walker provided his First Supplement to
22 Responses to Defendants' First Set of Interrogatories.

23 26. On June 19, 2015, Plaintiff Cathy Cataldo provided her First Supplement to
24 Responses to Defendants' First Set of Requests for Production of Documents.

25 27. On June 19, 2015, Plaintiff Thomas Walker provided his First Supplement to
26 Responses to Defendants' First Set of Requests for Production of Documents.

27 28. On June 19, 2015, Plaintiffs produced their Third Supplement to Initial Disclosures
28 and Production of Documents.

1 29. On July 30, 2015, Defendants provided their Amended Response to Plaintiffs' First
2 Set of Requests for Production of Documents to North Las Vegas Police Department.

3 30. On July 30, 2015, Defendants produced their Initial Disclosures of Production of
4 Documents.

5 31. On September 23, 2015, Plaintiffs propounded their Second Set of Requests for
6 Production of Documents to North Las Vegas Police Department.

7 32. On September 23, 2015, Plaintiffs propounded their First Set of Requests for
8 Production of Documents to Officer Maalouf.

9 33. On September 23, 2015, Plaintiffs propounded their First Set of Requests for
10 Production of Documents to Officer Snyder.

11 34. On September 23, 2015, Plaintiff Thomas Walker propounded his First Set of
12 Interrogatories to North Las Vegas Police Department.

13 35. On September 23, 2015, Plaintiff Thomas Walker propounded his First Set of
14 Interrogatories to Officer Maalouf.

15 36. On September 23, 2015, Plaintiff Thomas Walker propounded his First Set of
16 Interrogatories to Officer Snyder.

17 37. On September 29, 2015, Defendant North Las Vegas Police Department provided
18 its First Supplement to Responses to Plaintiffs First Set of Requests for Production of
19 Documents.

20 38. On October 22, 2015, Plaintiff Cathy Cataldo provided her Second Supplement to
21 Responses to Defendants' First Set of Interrogatories.

22 39. On October 22, 2015, Plaintiff Thomas Walker provided his Second Supplement to
23 Responses to Defendants' First Set of Interrogatories.

24 40. On October 28, 2015, Defendants produced their Second Supplement to Initial
25 Disclosures of Production of Documents.

26 41. On October 29, 2015, Defendants produced their Third Supplement to Initial
27 Disclosures of Production of Documents.
28

1 42. On October 29, 2015, Defendants submitted documents to the Court for in camera
2 review pursuant to Court Order (Doc. # 37).

3 43. On November 9, 2015, Defendant North Las Vegas Police Department provided its
4 Responses to Plaintiffs' Second Set of Requests for Production of Documents.

5 44. On November 9, 2015, Defendant Officer Maalouf provided his Responses to
6 Plaintiffs' First Set of Requests for Production of Documents.

7 45. On November 9, 2015, Defendant Officer Snyder provided his Responses to
8 Plaintiffs' First Set of Requests for Production of Documents.

9 46. On November 9, 2015, Defendant North Las Vegas Police Department provided its
10 Responses to Plaintiff Thomas Walker's First Set of Interrogatories.

11 47. On November 9, 2015, Defendant Officer Maalouf provided his Responses to
12 Plaintiff Thomas Walker's First Set of Interrogatories.

13 48. On November 9, 2015, Defendant Officer Snyder provided his Responses to
14 Plaintiff Thomas Walker's First Set of Interrogatories.

15 49. On November 9, 2015, Defendants produced their Fourth Supplement to Initial
16 Disclosures and Production of Documents.

17 50. On November 19, 2015, Plaintiffs produced their Fourth Supplement to Initial
18 Disclosures and Production of Documents.

19 51. On November 19, 2015, Defendants submitted additional documents to the Court
20 for in camera review pursuant to Court order.

21 52. On December 11, 2015, Plaintiff Thomas Walker provided his Second Supplement
22 to Responses to Defendants' First Set of Requests for Production of Documents.

23 53. On December 11, 2015, Plaintiff Cathy Cataldo provided her Second Supplement
24 to Responses to Defendants' First Set of Requests for Production of Documents.

25 54. On December 11, 2015, Plaintiff Thomas Walker provided his Third Supplement
26 to Responses to Defendants' First Set of Requests for Production of Documents.

27 55. On December 11, 2015, Plaintiff Cathy Cataldo provided her Third Supplement to
28 Responses to Defendants' First Set of Interrogatories.

1 56. On December 11, 2015, Plaintiff Cathy Cataldo provided her Third Supplement to
2 Responses to Defendants' First Set of Requests for Production of Documents.

3 57. On December 17, 2015, Defendants propounded their Second Set of Interrogatories
4 to Plaintiff Thomas Walker.

5 58. On December 17, 2015, Defendants propounded their Second Set of Interrogatories
6 to Plaintiff Cathy Cataldo.

7 59. On December 17, 2015, Defendants propounded their Second Set of Requests for
8 Production of Documents to Plaintiff Thomas Walker.

9 60. On December 17, 2015, Defendants propounded their Second Set of Requests for
10 Production of Documents to Plaintiff Cathy Cataldo.

11 61. On December 17, 2015, Defendant North Las Vegas Police Department provided
12 its Second Supplemental Responses to Plaintiffs' First Set of Requests for Production of
13 Documents.

14 62. On December 17, 2015, Defendant North Las Vegas Police Department provided
15 its First Supplemental Responses to Plaintiffs' Second Set of Requests for Production of
16 Documents.

17 63. On December 17, 2015, Defendants provided documents pursuant to Order
18 Granting in Part Plaintiffs' Motion to Compel (Doc. # 46).

19 64. On December 28, 2015, Defendant North Las Vegas Police Department provided
20 its Second Supplemental Responses to Plaintiffs' Second Set of Requests for Production of
21 Documents.

22 65. On December 28, 2015, Defendants produced their Fifth Supplement to Initial
23 Disclosures and Production of Documents.

24 66. On January 5, 2016, Plaintiffs produced their Fifth Supplement to Initial
25 Disclosures and Production of Documents.

26 67. On January 8, 2016, Plaintiffs produced their Sixth Supplement to Initial
27 Disclosures and Production of Documents.

28 68. On January 13, 2016, Defendant North Las Vegas Police Department provided its

1 Third Supplemental Responses to Plaintiffs' Second Set of Requests for Production of
2 Documents.

3 69. On January 20, 2016, Plaintiff Thomas Walker provided his Responses to
4 Defendants' Second Set of Interrogatories.

5 70. On January 20, 2016, Plaintiff Cathy Cataldo provided her Responses to
6 Defendants' Second Set of Interrogatories.

7 71. On January 20, 2016, Plaintiff Thomas Walker provided his Responses to
8 Defendants' Second Set of Requests for Production of Documents.

9 72. On January 20, 2016, Plaintiff Cathy Cataldo provided her Responses to
10 Defendants' Second Set of Requests for Production of Documents.

11 73. On January 20, 2016, Plaintiffs produced their Seventh Supplement to Initial
12 Disclosures and Production of Documents.

13 74. On February 4, 2016, Plaintiffs produced their Eighth Supplement to Initial
14 Disclosures and Production of Documents.

15 75. On February 12, 2016, the deposition of Plaintiff Thomas Walker was taken by the
16 Defendants.

17 76. On February 12, 2016, the deposition of Plaintiff Cathy Cataldo was taken by the
18 Defendants.

19 77. On May 2, 2016, Plaintiffs produced their Ninth Supplement to Initial Disclosures
20 and Production of Documents.

21 78. On May 9, 2016, Defendants served its Seventh Supplement to Initial Disclosures
22 and Production of Documents.

23 79. On May 17, 2016, Defendants served its Eighth Supplement to Initial Disclosures
24 and Production of Documents.

25 80. On May 20, 2016, Defendant City of North Las Vegas served its Third Supplement
26 to Responses to Plaintiff's First Request for Production of Documents.

27 81. On May 27, 2016, Defendant City of North Las Vegas served its Fourth Supplement
28 to Responses to Plaintiff's First Request for Production of Documents.

1 82. On May 27, 2016, Defendant City of North Las Vegas served its Fourth
2 Supplemental Responses to Plaintiff's Second Request for Production of Documents.

3 83. On June 1, 2016, Plaintiffs produced their Tenth Supplement to Initial Disclosures
4 and Production of Documents.

5 84. On June 2, 2016, the deposition of Travis Snyder was taken by Plaintiffs.

6 85. On June 3, 2016, the deposition of Paul Maalouf was taken by Plaintiffs.

7 86. On June 20, 2016, Plaintiff Cathy Cataldo served her First Set of Interrogatories to
8 Defendant City of North Las Vegas.

9 87. On July 22, 2016, the deposition of retired Sergeant Mike Waller was taken by
10 Plaintiffs.

11 88. On August 18, 2016, the deposition of Officer Jason Scarale was taken by Plaintiffs.

12 89. On August 19, 2016, the deposition of Officer Ryan Parrish was taken by Plaintiffs.

13 90. On August 31, 2016, the deposition of CSI Wendy Radke was taken by Plaintiffs.

14 91. On September 20, 2016, Defendants produced their Ninth Supplement to Initial
15 Disclosures and Production of Documents.

16 92. The parties have set aside November 14-18, 2016 for the Fed. R. Civ. P. 30(b)(6)
17 depositions. These dates are subject to change based upon the witnesses' availabilities.

18 93. The parties anticipate that additional written discovery will be necessary.

19 **DISCOVERY REMAINING**

20 1. The depositions of all remaining witnesses will be completed by the close of
21 discovery.

22 2. The deposition of the parties named experts will be completed by the close of
23 discovery.

24 **REASONS WHY DISCOVERY WAS NOT COMPLETED**

25 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the
26 requested extension.

27 Defendants recently produced documents that Plaintiffs need to review and
28 analyze. Also, some scheduling conflicts may occur due to the upcoming holiday season.

The parties are currently working together to schedule additional depositions, which are pertinent to rebuttal expert disclosures because they concern documents that experts will need to review. Further, the parties are in discussion regarding potential mediation options.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	October 6, 2016	No change. Will be mailed on October 6, 2016.
Discovery Cut-off	December 5, 2016	February 3, 2017
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	November 4, 2016	January 3, 2017
Dispositive Motions	January 4, 2017	March 6, 2017 or at least thirty (30) days after the close of discovery
Joint Pretrial Order	February 3, 2017	April 4, 2017 or at least thirty (30) days after the decision of last Dispositive Motions or further order of the Court.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the ninth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

///

WHEREFORE, the parties respectfully request that this Court extend discovery in the above-captioned case sixty days (60) days from the current deadline of December 5, 2016 up to and including February 3, 2017 and the other dates as outlined in accordance with the table above.

DATED this 5th day of October, 2016.

DATED this 5th day of October, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

MCLEATCHIE SHELL LLC

/s/ Robert W. Freeman, Jr. Esq.

/s/ Margaret A. McLetchie

Robert W. Freeman, Jr., Esq. NBN 3062

Margaret A. McLetchie, NBN 10931

Noel E. Eidsmore, Esq. NBN 7688

Alina M. Shell, NBN 11711

6385 S. Rainbow Blvd., Suite 600

701 East Bridger Ave., Suite 520

Las Vegas, NV 89118

Las Vegas, NV 89101

Attorneys for Defendants

and

Jennifer L. Braster, NBN 9982

MAUPIN NAYLOR BRASTER

1050 Indigo Drive, Suite 112

Las Vegas, NV 89145

Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.

DATED this 6th day of October, 2016.

U.S. MAGISTRATE JUDGE